M/037/051
ATLAS MINERALS

Coalition to Sue Atlas Corp. to Move Uranium Tailings

(SEE M/019/003)

Studies say pile is leaching into and contaminating Colorado River, threatening humans, endangered fish

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THE ASSOCIATED PRESS

A coalition of environmental groups, disappointed with a biological opinion issued by the Fish and Wildlife Service, says it will sue Atlas Corp. to force the company to move its pile of uranium tailings outside Moab.

Studies by the Fish and Wildlife Service and the Department of Energy say contaminants from the 10.5 million tons of tailings are leaching into the Colorado River just 750 feet away, polluting the river and threatening several endangered species of fish.

But the Fish and Wildlife Service said in a draft biological opinion Thursday that the Nuclear Regulatory Commission doesn't have the authority to force Atlas to move the tailings, even though the report said capping the tailings in place is an inadequate remedy.

That prompted the Grand Canyon Trust, the Sierra Club and several Moab area residents and businesses to announce plans Tuesday to sue the Denver-based company in federal court in Utah, claiming it violated the Clean Water Act.

Plaintiffs are required to serve notice 60 days before they file a federal lawsuit.

"We're wanting them to know there are a lot of things at stake here besides the endangered fish," said Bill Hedden of the Grand Canyon Trust. "This is drinking water for 19 million Americans."

Hedden said the Colorado River is used for drinking and agricultural purposes by 16 million people in Southern California as well as residents of Las Vegas, Phoenix and parts of Tucson, Ariz.

"In this case just ammonia alone makes the river about a mile downstream violate water quality standards," said Cullen Battle, an attorney for the coalition.

But Richard Blubaugh, vice president of environmental and governmental affairs for Atlas, said his company remains convinced that capping would be the best solution, since it would stop the spread of water as well as airborne contaminants such as radon that first made the tailings an issue in the late 1970s.

"When you look at your options, we continue to believe that moving forward quickly with the capping provides the best resolution to that concern," he said. "There isn't anything we've seen that indicates that moving it presents a really better option, especially when you consider the increase in time and cost involved."

Battle said if the court finds Atlas violated the Clean Water Act, the statute allows penalties of up to $20,000 a day paid to the government. The tailings have been an issue since 1981, Hedden said, although both he and Battle insist the suit is not meant to punish Atlas.

"We'd rather they spend that money moving the tailings," Battle said.

"Our ultimate hope is that we provoke a negotiation," Hedden said. "We're not trying to sock Atlas, we're trying to force them to the table, but we will sock them if the court finds in our favor and they choose not to cooperate."

Hedden and Battle said that ultimately Congress will likely have to step in and help pay to move the tailings, although Blubaugh said talks along that vein could delay a solution.

"It just drags things out and there's absolutely no guarantees," he said.

The Department of Energy is already required to reimburse Atlas for 56 percent of any cleanup or capping costs, since much of the uranium was used in government weapons programs.

Blubaugh said moving the tailings would cost about $155 million, compared with about $16 million to $17 million to capping the tailings in place.

But the Fish and Wildlife Service report Thursday suggested that, in addition to capping the tailings, Atlas should drain an estimated 426 million gallons of water from the pile, which could flow into the river at its current rate for another 270 years, and pay for cleanup of contaminants found to be coming from the Atlas mill itself.

Hedden said between 10 million and 30 million gallons of tailings liquids are entering the river every day, according to studies by the Oak Ridge National Laboratory, whose figures were used in the FWS opinion, creating a plume of contaminated water that stretches 1 to 1½ miles downstream.

"It's extraordinary for a single source to affect a great big river like the Colorado for any stretch," Hedden said.